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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,458	09/28/2001	Hong Wang	42390P11705	5276

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Blakely, Sokoloff, Taylor & Zafman
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1030

EXAMINER

YIGDALL, MICHAEL J

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,458

Applicant(s)

WANG ET AL.

Examiner

Michael J. Yigdall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-21 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 3, 2005 has been entered. Claims 1, 3, 5-21 and 23-30 are now pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 10 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Nonetheless, the examiner does not agree with Applicant's characterizations (Applicant's remarks, pages 12-13). It was not suggested that the monitor mode control registers of Levine inherently include a handler field to hold a pointer to a handler routine to process the events. Rather, it was recognized that because Levine indeed teaches a handler routine to process the events (see, for example, interrupt handling routine 580 in FIG. 7 and column 8, lines 24-35), some reference to the address of the handler routine is necessary. In other words, a pointer to the handler routine is necessary and therefore inherent. Levine is silent as to how or where such a pointer to the handler routine is held. However, Levine does disclose that the monitor mode control registers include fields to control the handler routine (see, for example, bits 5, 16 and 17 in FIG. 3A), suggesting to one of ordinary skill in the art that a similar field could hold the inherent pointer to the handler routine.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-21 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,134,710 to Levine et al. (art of record, "Levine") in view of U.S. Patent No. 5,963,737 to Mealey et al. ("Mealey").

With respect to claim 1 (currently amended), Levine discloses an event monitoring component for dynamic optimization (see, for example, the abstract) comprising:

(a) an event monitor to selectively capture a plurality of profiles of one or more microarchitecture events occurring in the execution of an application by a microprocessor based upon configuration information supplied by a software component (see, for example, column 7, line 59 to column 8, line 11, which shows a performance monitor for monitoring events during execution, and column 8, lines 30-35, which shows capturing profiles of the events, and column 8, lines 14-16, which shows that the monitor is controlled or configured by software);

(b) a profile buffer to store the plurality of captured profiles of the one or more microarchitecture events (see, for example, column 11, lines 34-48, which shows a buffer for storing the profiles of the events);

(c) an interface through which the software component provides the configuration information to direct the operation of the event monitor (see, for example, column 8, lines 16-22, which shows an interface for configuring the operation of the monitor); and

(d) one or more monitor control vectors, the monitor control vectors storing the configuration information provided by the software component (see, for example, FIGS. 3A and 3B, which show monitor control registers or vectors for storing the configuration).

Levine further discloses that the monitor control registers or vectors include fields to enable a handler routine to process the profiles of the events (see, for example, interrupt handling routine 580 in FIG. 7 and column 8, lines 24-35), but does not expressly disclose the limitation wherein each monitor control vector includes a handler field to hold a pointer to a handler routine to process the profiles of the microarchitecture event.

However, some reference to the address of the handler routine, or a pointer to the handler routine, is inherent to Levine. Moreover, Mealey expressly discloses a pointer to the address of an interrupt handler (see, for example, column 5, line 63 to column 6, line 8). The pointer is stored in some “handler field” of a kernel memory area so that the interrupt handler can be implemented as an application-specific extension to the kernel itself (see, for example, column 3, line 53 to column 4, line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such a handler field into the monitor control registers or vectors of Levine, so that the handler routine of Levine can be implemented separately for specific applications. Mealey discloses that this arrangement is particularly useful to performance monitors (see, for example, column 4, lines 15-26), such as in Levine.

With respect to claim 3 (currently amended), Levine further discloses the limitation wherein each monitor control vector further includes:

(a) a control field to specify a microarchitecture event to monitor (see, for example, column 8, lines 44-52, which shows a control field for selecting events to monitor); and

(b) a trigger field to specify when the microarchitecture event is monitored (see, for example, column 8, lines 36-44, which shows a threshold field or trigger field for specifying when to count or monitor events).

With respect to claim 5 (previously presented), Levine further discloses the limitation wherein the profile buffer comprises a first level buffer for initial storage of the captured profiles of the one or more microarchitecture events and a second level buffer for subsequent storage of the captured profiles of the one or more microarchitecture events (see, for example, column 10, line 63 to column 11, line 3, which shows storing the profile data in sampled instruction and data address registers, i.e. a first level buffer, and subsequently copying the data to tables in memory, i.e. a second level buffer).

With respect to claim 6 (original), Levine further discloses the limitation wherein the first level buffer is a register file (see, for example, the registers of the first level buffer 530 and 540 in FIG. 7).

With respect to claim 7 (previously presented), Levine further discloses the limitation wherein the second level buffer is a memory buffer that is architecturally visible to the software

component (see, for example, column 11, lines 45-53, which shows that the second level buffer in memory is accessible by and thus architecturally visible to the software).

With respect to claim 8 (currently amended), Levine further discloses the limitation wherein the captured event profiles of each monitored microarchitecture event are made available to a handler routine selected by the software component for processing according to the handler field of the monitor control vector (see, for example, column 11, lines 37-42 and 53-56, which shows that the profile data of each event is made available for processing).

With respect to claim 9 (previously presented), Levine further discloses the limitation wherein the event monitoring apparatus initiates an interrupt or special event handler to notify the software component when captured event profiles are available for processing (see, for example, column 10, line 63 to column 11, line 3, which shows signaling an interrupt when profile data is available).

With respect to claim 10 (currently amended), Levine discloses a microprocessor (see, for example, FIG. 1 and column 6, lines 57-61), comprising:

- (a) an execution pipeline (see, for example, the execution units in FIG. 2 and the pipelined instruction cycle 14 in FIG. 4);
- (b) one or more event monitor hardware components coupled to the execution pipeline to selectively monitor one or more microarchitecture events in the execution of a program and to capture event profiles (see, for example, column 7, line 59 to column 8, line 11, which shows performance monitors for monitoring events during execution, and column 8, lines 30-35, which shows capturing profiles of the events);

(c) one or more monitor control vectors to store configuration information provided by a software component in connection with the operation of the one or more event monitor hardware components (see, for example, column 8, lines 14-22, which shows monitor control registers or vectors for controlling or configuring the monitors by software).

Levine further discloses that the monitor control registers or vectors include fields to enable a handler routine to process the profiles of the events (see, for example, interrupt handling routine 580 in FIG. 7 and column 8, lines 24-35), but does not expressly disclose the limitation wherein each monitor control vector includes a handler field to contain a pointer to a handler routine for the microarchitecture event.

However, some reference to the address of the handler routine, or a pointer to the handler routine, is inherent to Levine. Moreover, Mealey expressly discloses a pointer to the address of an interrupt handler (see, for example, column 5, line 63 to column 6, line 8). The pointer is stored in some “handler field” of a kernel memory area so that the interrupt handler can be implemented as an application-specific extension to the kernel itself (see, for example, column 3, line 53 to column 4, line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such a handler field into the monitor control registers or vectors of Levine, so that the handler routine of Levine can be implemented separately for specific applications. Mealey discloses that this arrangement is particularly useful to performance monitors (see, for example, column 4, lines 15-26), such as in Levine.

Levine further discloses:

(d) a profile buffer to store captured microarchitecture event profiles (see, for example, column 11, lines 34-48, which shows a buffer for storing profiles of the events).

With respect to claim 11 (currently amended), Levine further discloses the limitation wherein the captured profiles of the one or more microarchitecture events stored in the buffer are made available to the handler routine selected by the software component for optimization processing (see, for example, column 11, lines 37-42 and 53-56, which shows that the profile data of each event is made available for processing, and column 12, lines 1-6, which shows that the processing is for optimization).

With respect to claim 12 (original), the limitations recited in the claim are analogous to those of claim 5 (see the rejection of claim 5 above).

With respect to claim 13 (original), the limitations recited in the claim are analogous to those of claim 6 (see the rejection of claim 6 above).

With respect to claim 14 (original), the limitations recited in the claim are analogous to those of claim 7 (see the rejection of claim 7 above).

With respect to claim 15 (original), Levine further discloses the limitation wherein the first level buffer is comprised of a plurality of register frames and the second level buffer is comprised of a plurality of memory buffers, with one of the frames of the first level buffer and one of the memory buffers in the second level buffer being assigned to each monitored microarchitecture event (see, for example, column 10, line 63 to column 11, line 3, which shows that the first level buffer is comprised of a plurality of registers and that the second level buffer is

comprised of a plurality of tables in memory, and column 8, lines 24-35, which shows that the buffers are employed and thus assigned for each selected or monitored event).

With respect to claim 16 (original), Levine further discloses the limitation wherein the profiles of a microarchitecture event stored in a frame assigned to the microarchitecture event in the first level buffer memory are spilled into a buffer assigned to the microarchitecture event in the second level memory buffer when the frame assigned to the microarchitecture event in the first level memory buffer is fully allocated or when a condition established by the software component is met (see, for example, column 10, line 63 to column 11, line 3, which shows copying or spilling the contents of the first level buffer to the second level buffer when an interrupt is serviced or met, and column 8, lines 24-35, which shows establishing the condition for the interrupt).

With respect to claim 17 (original), Levine further discloses the limitation wherein the captured profiles of a microarchitecture event are made available to the handler routine when the buffer assigned to the event in the second level memory buffer is fully allocated or when a condition established by the software component is met (see, for example, column 11, lines 37-42 and 53-56, which shows that the profile data of each event is made available for processing when an interrupt is serviced or met, and column 8, lines 24-35, which shows establishing the condition for the interrupt).

With respect to claim 18 (currently amended), the limitations recited in the claim are analogous to those of claim 3 (see the rejection of claim 3 above).

With respect to claim 19 (original), Mealey further discloses the limitation wherein the one or more microarchitecture events are monitored during an exception detection stage of the execution pipeline (see, for example, column 5, lines 22-34).

With respect to claim 20 (original), although Levine further discloses that the events are monitored during pipelined execution (see, for example, column 6, lines 4-12) and that the profiles are stored in a buffer (see, for example, column 11, lines 34-48), Levine does not expressly disclose the limitation wherein the captured microarchitecture event profiles are stored in the memory buffer during a write back stage of the execution pipeline.

However, the system of Levine includes a load/store unit for reading and writing to memory (see, for example, FIG. 2). Writing back to memory may occur, for example, during the complete instruction stage of the pipelined instruction cycle (see, for example, FIG. 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the profiles in the memory buffer, as taught by Levine, during a stage of the execution pipeline that includes a write back stage, such as during the complete instruction stage.

With respect to claim 21 (currently amended), Levine discloses a method (see, for example, the abstract) comprising:

(a) receiving configuration information from a software component directing the monitoring of one or more microarchitecture events connected with the operation of a microprocessor in executing an application (see, for example, column 8, lines 14-22, which shows software for controlling or configuring the monitoring of events), wherein receiving the

configuration information from the software component comprises receiving information regarding the setting of one or more monitor control vectors (see, for example, FIGS. 3A and 3B, which show monitor control registers or vectors for storing the configuration).

Levine further discloses that the monitor control registers or vectors include fields to enable a handler routine to process the profiles of the events (see, for example, interrupt handling routine 580 in FIG. 7 and column 8, lines 24-35), but does not expressly disclose the limitation wherein each monitor control vector includes a handler field to contain a pointer to a handler routine for processing of captured profiles of the microarchitecture event.

However, some reference to the address of the handler routine, or a pointer to the handler routine, is inherent to Levine. Moreover, Mealey expressly discloses a pointer to the address of an interrupt handler (see, for example, column 5, line 63 to column 6, line 8). The pointer is stored in some “handler field” of a kernel memory area so that the interrupt handler can be implemented as an application-specific extension to the kernel itself (see, for example, column 3, line 53 to column 4, line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such a handler field into the monitor control registers or vectors of Levine, so that the handler routine of Levine can be implemented separately for specific applications. Mealey discloses that this arrangement is particularly useful to performance monitors (see, for example, column 4, lines 15-26), such as in Levine.

Levine further discloses:

(b) monitoring the one or more microarchitecture events and capturing profiles of the one or more microarchitecture events (see, for example, column 7, line 59 to column 8, line 11,

which shows performance monitors for monitoring the events during execution, and column 8, lines 30-35, which shows capturing profiles of the events);

(c) storing the captured event profiles in a profile buffer (see, for example, column 11, lines 34-48, which shows a buffer for storing profiles of the events); and

(d) making the profiles of the event available to the software component for optimization processing (see, for example, column 11, lines 37-42 and 53-56, which shows that the profile data of each event is made available for processing, and column 12, lines 1-6, which shows that the processing is for optimization).

With respect to claim 23 (currently amended), the limitations recited in the claim are analogous to those of claim 3 (see the rejection of claim 3 above).

With respect to claim 24 (original), the limitations recited in the claim are analogous to those of claim 5 (see the rejection of claim 5 above).

With respect to claim 25 (currently amended), the limitations recited in the claim are analogous to those of claim 6 (see the rejection of claim 6 above).

With respect to claim 26 (currently amended), the limitations recited in the claim are analogous to those of claim 7 (see the rejection of claim 7 above).

With respect to claim 27 (original), Levine further discloses assigning a register in the first stage and a memory buffer in the second stage to each monitored microarchitecture event (see, for example, column 8, lines 24-35, which shows that the buffers are employed and thus assigned for each selected or monitored event).

With respect to claim 28 (original), Levine further discloses storing the profiles of each monitored microarchitecture event in the register assigned to the microarchitecture event in the first stage as the profiles of the microarchitecture event are captured (see, for example, column 10, line 63 to column 11, line 3, which shows storing the profile data in the first stage when it is captured).

With respect to claim 29 (original), Levine further discloses spilling the profiles of a microarchitecture event from the register assigned to the microarchitecture event in the first stage to the memory buffer assigned to the microarchitecture event in the second stage when the register is fully allocated or when a condition established by the software component is met (see, for example, column 10, line 63 to column 11, line 3, which shows copying or spilling the contents of the first stage to the second stage when an interrupt is serviced or met, and column 8, lines 24-35, which shows establishing the condition for the interrupt).

With respect to claim 30 (original), Levine further discloses notifying the software component when the register assigned to the event in the second stage of the memory buffer is fully allocated or when a condition established by the software component is met (see, for example, column 10, line 63 to column 11, line 3, which shows signaling an interrupt to notify the software, and column 8, lines 24-35, which shows establishing the condition for the interrupt).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

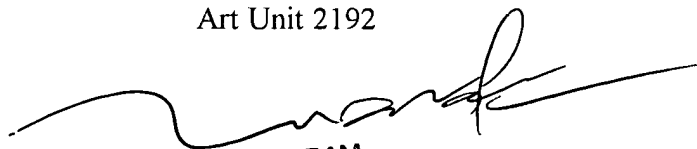
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MY

Michael J. Yigdall
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SUPERVISORY PATENT EXAMINER